

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

INTELLECT WIRELESS, INC.,

Plaintiff,

V.

**T-MOBILE USA, INC.,
UNITED STATES CELLULAR
CORP., VIRGIN MOBILE USA, INC.,
HELIO, INC.**

Defendants.

Case No. 08 CV 1215

Honorable Joan B. Gottschall
Magistrate Judge Susan E. Cox

JURY DEMANDED

**JOINT MOTION FOR DISMISSAL OF VIRGIN MOBILE USA, INC. AND
SUBSTITUTION OF REAL PARTY IN INTEREST, VIRGIN MOBILE USA, L.P.**

Plaintiff, INTELLECT WIRELESS, INC, (“Intellect Wireless”) and Defendant, VIRGIN MOBILE USA, INC. (Virgin Inc.), respectfully move this Court for an order dismissing Intellect Wireless' Complaint against VIRGIN MOBILE USA, INC., without prejudice and substituting by agreement VIRGIN MOBILE USA, L.P., (Virgin L.P.) as the proper party as follows:

1. The parties agree that Intellect Wireless' Complaint against Virgin, Inc. should be dismissed without prejudice.
2. The parties agree that Virgin L.P. should be substituted as the proper party in interest in place of Virgin Inc. Virgin L.P. waives further service of summons of the Complaint and agrees that it will be and is substituted in as the proper party in interest and as such will file its responsive pleading retaining all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections

based on a defect in the summons or in the service of the summons upon entry of the order allowing same. Attached hereto as Exhibit A is a copy of the Answer and Counterclaims that will be filed on behalf of Virgin L.P. once it is substituted in as the proper party in interest and once Virgin Inc. is dismissed without prejudice.

3. The parties agree that the dismissal of Intellect Wireless' Complaint against Virgin Inc. and the substitution of Virgin L.P. as a defendant should not impact the current schedule for this action.

Dated: April 21, 2008

Respectfully submitted,

By: /s/ Paul K. Vickrey
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ATTORNEYS FOR:
VIRGIN MOBILE USA, INC. and
VIRGIN MOBILE USA, L.P.

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2008, I electronically filed the JOINT MOTION FOR DISMISSAL OF VIRGIN MOBILE USA, INC. AND SUBSTITUTION OF REAL PARTY IN INTEREST, VIRGIN MOBILE USA, L.P. with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/Christina M. Tchen

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